IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19930 of 2004

Between:

R.S.Narayana, S/o.R.Mallaiah, 45 years,
R/o.H.No.4-41, C/o.Masireddy Basaiah,
Gummadidala village, Jinnaram Mandal, Medak District.

..... PETITIONER

AND

1 Depot Manager, APSRTC, Zaheerabad Depot, Zaheerabad, Medak Dist.
2 Divisional Manager APSRTC, Medak Division, Sangareddy, Medak Dist.
3 Regional Manager, APSRTC, Medak Division, Sangareddy, Medak Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in not providing alternative job to the petitioner in any suitable post or keeping in any supernumerary post even though he is medically decategorised on 24-5-2002 in spite of the representation, dt.11-9-2004 including Legal Notice, dated. 26-9-2004 is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and consequently direct the respondents to provide alternative job or supernumerary post forthwith.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondents: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following :

ORDER:

The petitioner worked as a Driver in the respondent-Corporation. The 1st respondent through the order dated 24-05-2002 found the petitioner medically unfit for performing the duties of the driver. Therefore, the petitioner was retired from service on medical grounds. The petitioner contends that since he was retired on medical invalidation on the ground that he is unfit to perform the duties of A-1 driver, he is entitled for an alternative employment under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995(for short 'the Act'). The petitioner submits that though he made a representation on 11-09-2004 to the 1st respondent to consider his case for alternative appointment, it was not considered. Therefore, he approached this Court seeking a direction to the respondents to provide alternative appointment to him at any place in the Corporation.

In the light of Section 47 of the Act, the respondents are directed to consider the case of the petitioner, for providing an alternative employment, and pass appropriate orders by keeping in view the length of service rendered by him in the Corporation and the nature of disability with which he is suffering, within two months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

01-11-004.

MRKR/SVS

To

1 The Depot Manager, APSRTC, Zaheerabad Depot, Zaheerabad,

Medak Dist.

2 The Divisional Manager APSRTC, Medak Division, Sangareddy, Medak Dist.

3 The Regional Manager, APSRTC, Medak Division, Sangareddy, Medak Dist.

4. Two C.D. copies.